

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO.:

v. : DATE FILED:

JOHN BARANZANO, II : VIOLATION: 18 U.S.C. §2252A(a)(1)-
(Transporting child pornography-
1 Count)
: 18 U.S.C. §2252A(a)(5)(B)
: (Possession of child pornography-1
Count)
: Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all time material to this indictment, the defendant JOHN BARANZANO, II was an individual, living at 131 Roskeen Court, Phoenixville, Pennsylvania.

2. Internet Relay Chat (IRC) is an Internet service that allows users to communicate with each other in real-time. IRC is organized around the “chat-room” or “channel,” in which users congregate to communicate with each other about a specific topic. A “chat-room” typically connects users from different states and countries, and IRC messages often travel across state and national borders before reaching other users.

3. Within a “chat-room” or “channel,” every user can see the messages typed by other users. However, no user identification is required for IRC, allowing users to log in and participate in IRC communication with virtual anonymity, concealing their identities by using fictitious “screen names.”

4. An f-serve is a fileserver script used by an IRC user that allows a user to “serve” or distribute files from his/her computer to other IRC users. It also allows the f-serve operator to select what files will be served or accessible by other IRC users.

5. On or about October 24, 2000, the defendant JOHN BARANZANO II ran an f-serve on his home computer and made available for downloading from this f-serve images of minors engaged in sexually explicit conduct, as that term is defined in Title 18, United States Code, Section 2256. He also requested that people upload (i.e., send and post) such images to the server so that others could view them and download them.

6. On or about October 24, 2000, at Phoenixville, in the Eastern District of Pennsylvania and elsewhere, the defendant

JOHN BARANZANO, II

knowingly transported and caused to be transported in interstate commerce by means of computer, from Phoenixville, Pennsylvania to Tucson, Arizona, 20 images of child pornography as that term is defined in Title 18, United States Code, Section 2256.

In violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 20, 2000, at Phoenixville in the Eastern District of Pennsylvania, the defendant,

JOHN BARANZANO, II

knowingly possessed approximately 100 images of child pornography and one Maxtor laptop computer hard drive, containing approximately 23 images of child pornography (these images involved ten different children) and the images had been shipped and transported in interstate and foreign commerce and had been produced using material that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Section 2252A, as set forth in Counts One and Two of this Indictment, defendant

JOHN BARANZANO, II

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, the following property:

(1) All visual depictions involving the use of a minor as described in Title 18, United States Code, Section 2252A which were seized from his home in Phoenixville, Pennsylvania in December 2000 pursuant to a search warrant, and which were possessed by the defendant in violation of 18 U.S.C. §2252A;

(2) All property used and intended to be used to commit and promote the commission of the offenses charged in Counts One and Two, including, but not limited to:

- a. Maxtor laptop computer, model number 7160AP, serial number W60EM2ES.
- b. Various computer CD Roms and discs.

All pursuant to Title 18, United States Code, Section 2253.

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney